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ORAL ARGUMENT REQUESTED

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

-----X
SMART TRIKE, MNF, PTE, LTD.,

PLAINTIFF,

-AGAINST-

11 CIV. 8198 (HB)

ECF CASE

SMART TRIKE, LLC, ROBERT KRAMER AND
JOSEPH JANOWSKI,

DEFENDANTS.

-----X

**DEFENDANT S' NOTICE
OF MOTION TO DISMISS**

PLEASE TAKE NOTICE that the undersigned will move the Court, before the Hon. Harold Baer, Jr., U.S.D.J., at the United States Courthouse located at 500 Pearl Street, New York, New York, on a date to be specified by the Court, consistent with the Federal Rules of Civil Procedure, for an Order, pursuant to Fed.R.Civ.P. Rules 12(b)(1), 12(b)(3) and/or 12(b)(6), dismissing the complaint filed by plaintiff on November 14, 2011 in the above-captioned matter as to Defendants Smart Trike LLC, Robert Kramer and Joseph Janowski ("Defendants").

In applying for the aforementioned relief, Defendants will rely upon the accompanying Memorandum of Law dated January 11, 2012, the Declaration of Robert Kramer dated January 10, 2012 and the Declaration of Joseph Janowski dated January 10, 2012.

PLEASE TAKE FURTHER NOTICE that, all papers in opposition to the instant motion, are to be served on the undersigned not later than January 25, 2012.

Dated: White Plains, New York
January 11, 2012

RAND ROSENZWEIG
RADLEY & GORDON LLP

By: _____s/_____
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